

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

No. 436

---

**Introduced by Assembly Member Saldana**

February 24, 2009

---

An act to amend Section 9004 of the Elections Code, relating to elections.

### LEGISLATIVE COUNSEL'S DIGEST

AB 436, as amended, Saldana. Elections: initiatives.

Existing law requires that the proponents of an initiative measure submit a draft of the measure to the Attorney General for preparation of a summary of its chief purposes and points. Under existing law, the proponents are required to also submit at that time a \$200 fee that is held in trust and refunded to the proponents if the measure qualifies for the ballot within a specified time period, but the fee is paid to the General Fund if the measure fails to qualify.

This bill would increase that fee *in specified amounts every 2 years from \$200 to \$2,000 in 2016* and would ~~specify that, if require the fee to be deposited into the General Fund, the fee and to be used to~~ reimburse the Attorney General for ~~its~~ *the* costs ~~in~~ of preparing the title and summary of proposed initiative measures. *The bill would delete the provision for reimbursement of the proponent if the measure qualified for the ballot.* The bill would require *in 2018* that the Attorney General ~~annually~~ *biennially* review the fee and increase it in accordance with an increase in the California Consumer Price Index.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 9004 of the Elections Code is amended  
2 to read:

3     9004. (a) Upon receipt of a draft of a petition, the Attorney  
4 General shall prepare a summary of the chief purposes and points  
5 of the proposed measure. The summary shall be prepared in the  
6 manner provided for the preparation of ballot titles in Article 5  
7 (commencing with Section 9050), the provisions of which in regard  
8 to the preparation, filing, and settlement of titles and summaries  
9 are hereby made applicable to the summary.

10    (b) The Attorney General shall provide a copy of the title and  
11 summary to the Secretary of State within 15 days after receipt of  
12 the final version of a proposed initiative measure, or if a fiscal  
13 estimate or opinion is to be included, within 15 days after receipt  
14 of the fiscal estimate or opinion prepared by the Department of  
15 Finance and the Joint Legislative Budget Committee pursuant to  
16 Section 9005. If during the 15-day period, the proponents of the  
17 proposed initiative measure submit amendments, other than  
18 technical, nonsubstantive amendments, to the final version of the  
19 measure, the Attorney General shall provide a copy of the title and  
20 summary to the Secretary of State within 15 days after receipt of  
21 the amendments.

22    (c) The proponents of an initiative measure, at the time of  
23 submitting the draft of the measure to the Attorney General, shall  
24 pay a fee of *five hundred dollars (\$500) beginning January 1,*  
25 *2010; one thousand dollars (\$1,000) beginning January 1, 2012;*  
26 *one thousand five hundred dollars (\$1,500) beginning January 1,*  
27 *2014; and two thousand dollars (\$2,000),* ~~which shall be placed~~  
28 ~~in a trust fund in the office of the Treasurer and refunded to the~~  
29 ~~proponents if the measure qualifies for the ballot within two years~~  
30 ~~from the date the summary is furnished to the proponents. If the~~  
31 ~~measure does not qualify within that period, the~~ *beginning January*  
32 *1, 2016. The fee shall be immediately paid into the General Fund*  
33 *of the state for reimbursement of the costs incurred by the Attorney*  
34 *General for preparing the title and summary of proposed initiative*  
35 *measures. The Attorney General shall annually review the amount*  
36 *of the fee required by this subdivision and every two years,*  
37 *beginning in 2018, shall increase it in an amount equaling any*

- 1 increase in the California Consumer Price Index as determined
- 2 pursuant to Section 2212 of the Revenue and Taxation Code.:

O